

**MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
MONDAY, AUGUST 2, 2010, AT 7:00 P.M. IN
THE CITY COUNCIL CHAMBERS, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:00 p.m.

II. INVOCATION

Mayor/Chairman Eaton gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Council Member/Director Paulitz led those assembled in the Pledge.

IV. ROLL CALL

City Clerk/Agency Secretary Jackson stated for the record that Mayor Pro Tem/Vice Chairman Dutrey would not be in attendance at tonight's meeting.

Present: Mayor/Chairman Eaton; Council Members/Directors Paulitz, Raft, and Ruh; City Manager/Executive Director Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Jackson

Absent: Mayor Pro Tem/Vice Chairman Dutrey (excused)

V. PRESENTATIONS

A. Introduction of New Employee

Director of Community Development Lustro introduced **Ms. Silvia Gutierrez**, who was appointed to the position of Assistant Planner effective July 19, 2010. He noted Assistant Planner Gutierrez is a **University of California, Los Angeles**, graduate twice over, having received her Bachelor of Arts degree in Political Science and Master of Arts degree in Urban Planning from that great school. He noted her most recent employment was with the **City of Indio**, where she

worked on residential subdivision and new commercial center projects and planned for a new aquatic center and neighborhood park.

Mayor Eaton welcomed Assistant Planner Gutierrez to the Montclair City family and presented her with a City pin.

VI. PUBLIC COMMENT

- A. **Mr. Jordan Rinker**, 5195 Evert Street, Montclair, complained about motorists who wait too long to execute left turns or neglect to turn altogether at City intersections with left-turn arrows, causing traffic to back up.

Noting he worked with **Mr. Rinker** in the field of heavy equipment operation, Mayor Eaton advised that Patrol Division would more closely monitor and enforce those movements.

In follow up to his complaint two years ago about loud music being played in his neighborhood, **Mr. Rinker** asked if notices were ever included in trash/sewer billing warning residents of hefty fines resulting from loud residential music

Mayor Eaton replied, "Well, they went out." He thanked **Mr. Rinker** for his comments.

VII. PUBLIC HEARINGS

- A. **Second Reading – Adoption of Ordinance No. 10-915 Amending Chapter 9.24 of Title 9 of the Montclair Municipal Code Related to the City Storm Drain System**

Adoption of Resolution No. 10-2853 Repealing Resolution No. 09-2799 and Establishing New Fines Related to Violations of Chapter 9.24 of the Montclair Municipal Code

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Ordinance No. 10-915 amending Chapter 9.24 of Title 9 of the Montclair Municipal Code related to the City Storm Drain System and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Ruh disqualified himself from consideration of this item because he serves as the Vice Chair of the California Regional Water Quality Control Board, Santa Ana Region, the regulatory agency responsible for new waste discharge

requirements for the City Storm Drain System proposed in Ordinance No. 10-915 being considered by the City Council this evening.

Moved by Council Member Raft and seconded by Council Member Paulitz to take the following actions:

1. That Ordinance No. 10-915, entitled, "**An Ordinance of the City Council of the City of Montclair Amending Chapter 9.24 of Title 9 of the Montclair Municipal Code Related to the City Storm Drain System,**" be read by number and title only, further reading be waived, and this be declared its second reading.
2. That Resolution No. 10-2853, entitled, "**A Resolution of the City Council of the City of Montclair Repealing Resolution No. 09-2799 and Revising the Schedule of Fines for Administrative Citations,**" be read by number and title only, further reading be waived, and it be declared adopted.

The City Council waived the reading of the Ordinance and Resolution.

Second Reading of Ordinance No. 10-915 and Resolution No. 10-2853 were adopted by the following ROLL CALL vote:

AYES: Raft, Paulitz, Eaton
NOES: None
ABSTAIN: Ruh
ABSENT: Dutrey

VIII. CONSENT CALENDAR

Moved by Council Member/Director Paulitz, seconded by Council Member/Director Raft, and carried to approve the following Consent Items as presented:

A. Approval of Minutes

1. Minutes of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of July 19, 2010

The City Council and Redevelopment Agency/Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of July 19, 2010.

B. Administrative Reports

1. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 2, 2010, totaling \$2,002,408.44 and the Payroll Documentation dated June 6 2010, amounting to \$635,979.27, with \$466,987.69 being the total cash disbursement.

C. Agreements

1. Approval of Agreement No. 10-90 Between the City of Montclair/City of Montclair Redevelopment Agency/Montclair Housing Corporation and Edward C. Starr

The City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors approved *Agreement No. 10-90* between the City of Montclair/City of Montclair Redevelopment Agency/Montclair Housing Corporation and Edward C. Starr.

D. Resolutions

1. Adoption of Resolution No. 10-2858 Authorizing Placement of Assessments on Certain Properties for Delinquent Sewer and Trash Accounts

The City Council adopted Resolution No. 10-2858 authorizing placement of assessments on the 700 properties listed on Exhibit A of the Resolution for delinquent sewer and trash charges.

IX. PULLED CONSENT CALENDAR ITEMS - None

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Attorney/Agency Counsel

1. Closed Session Pursuant to Section 54956.9(a) of the Government Code Regarding Pending Litigation

Leticia Bizet v. City of Montclair

2. Closed Session Pursuant to Section 54957.6 of the Government Code Regarding Conference With Designated Labor Negotiator

Agency: City of Montclair

*Employee Organizations: City Manager
Management
Montclair Fire Fighters Association
Montclair Police Officers Association*

San Bernardino Public Employees Association

City Attorney Robbins requested a Closed Session on Item 1 pursuant to Government Code Section 54956.9(a) regarding pending litigation and a Closed Session on Item 2 regarding conference with designated labor negotiator pursuant to Government Code Section 54957.6.

B. City Manager/Executive Director

1. City Manager/Executive Director Starr commented as follows:

- (a) He reported that the Splash Pad became inoperable over the weekend because the contractor failed to enclose a pump variable frequency drive (VFD) in a waterproof container, resulting in its shorting out from the sprinklers. He advised that the Splash Pad would be back in operation within a week or two as soon as the VFD has been repaired.
- (b) He recognized all City employees in attendance tonight and expressed his appreciation for their presence, loyalty, and support. He advised that these are very challenging times and our organization and employees all face some very difficult times in the future as the economy continues to stagnate, noting "in the last several years, the City has experienced that stagnation firsthand while we have asked employees to accept reductions for not just one year but this year as well." He emphasized that the City's fine employees have agreed to accept those reductions, stating, "I think that we should applaud their actions. They have stepped forward and addressed what the City needs in order to keep our budget whole. There is still one labor group in negotiations; I hope and presume we will satisfactorily conclude negotiations with that group. Nonetheless, the fact that they have accepted these reductions two years in a row is laudatory; and I thank them and appreciate them for that."

City Manager Starr pointed out that with the Council's approval of his *Employment Agreement* this evening, he has "set an example to employees and established an ethical standard that I want to carry forward and demonstrate to them that this organization has always been a highly appraised organization throughout the Inland Empire, and I expect that that will continue. My contract specifies that I did not accept a salary adjustment for the balance of Fiscal Year 2010-11, and I will remain at my current Deputy City Manager/Director of Administrative

Services salary as I move into the position of City Manager/Executive Director/Director of Administrative Services. I am certainly willing to step forward and take a reduction along with all other employees; at the same time, I am assuming the burden of City Manager responsibilities along with the duties of Director of Administrative Services. We are all in this together, and we will all meet this challenge together. With my history with this organization, I know that all the employees working for the City of Montclair will continue to provide a standard of service that is second to none. We have always provided that standard when you compare us with other cities within our region. I expect that that will not change whatsoever; in fact, as the number of employees in this organization continues to decrease, the employees within this organization continue to step forward to fill that void and continue to provide not only exemplary service but go beyond what was expected from them in the past as they step forward to fill the voids in this organization and continue to do those jobs and duties for positions no longer held. I appreciate them, and I know this Council appreciates them as well.

"I think as we go into this next fiscal year, the City of Montclair, while we may not be stronger fiscally, we are stronger morally, we are stronger ethically, and we are stronger in the value of employees that we have as far as their commitment to this organization and to the residents of this community. I only see a brighter future ahead for Montclair; and despite the economic conditions that we are experiencing, we will overcome these issues with their support. With the Council's support, this new administration will produce an organization that is not only leaner and more efficient, but an organization that is committed more than ever to the services and to the residents of this community. I thank you for approving my contract tonight."

Mayor Eaton stated, "We are very glad we did, and I am very proud that you are our City Manager."

Council Member Ruh concurred. He noted speaking with a resident last evening at **Target** who mentioned the **City of Bell** corruption scandal. Council Member Ruh noted he advised the resident that the **City of Bell** is a charter city, while Montclair is a general law city, which operate very differently—"we have more transparency than charter cities." He added that such scandals generally occur in charter cities.

Council Member Ruh stated that he, too, is very pleased with City Manager Starr's appointment. In follow up to City Manager Starr's comments about ethics, he advised that at a time when many cities across Southern California and the nation are experiencing a lot of problems, as a rule general law cities do not "because the ethics we ascribe to help get us through that and give a lot more faith with our constituents as to what we are doing." He assured everyone "that no one [on this Council] is receiving \$100,000 a year."

Council Member Raft stated, "**Mr. Starr**, you really deserve this. You've been here quite some time. I think you deserved it a long time ago, and I'm very glad to see you stepping up to the job."

Council Member Paulitz stated, "Welcome aboard, Ed. I named you as our City Manager in my June 2010 newsletter." He noted it is quite a prodigious task to take on the responsibilities of two demanding jobs, thereby setting a good example for City employees. He noted he at one time considered proposing that Montclair become a charter city.

Mayor Eaton asked that the Council applaud the City employees for their sacrifices, stating, "Thank you, folks; we appreciate what you're doing."

C. Mayor/Chairman

1. **Announcement of Community Action Committee Appointments**

Mayor Eaton announced interviews of seven candidates were recently held and that with Council concurrence, he would be pleased to reappoint CAC Members Pat Wooton and Manny Martinez and appoint new Members **Maureen Havlena** and **Peggy Banas**.

Moved by Council Member Paulitz, seconded by Council Member Ruh, and carried to reappoint Members Pat Wooton and Manny Martinez and appoint new Members Maureen Havlena and Peggy Banas to the CAC for four-year terms ending June 30, 2014.

Mayor Eaton welcomed Members Havlena and Banas to the CAC.

D. City Council/Agency Board

1. Council Member/Director Paulitz commented as follows:

- (a) He asked where the Splash Pad VFD is located.

City Manager Starr replied that it is located in the equipment building east of the Splash Pad.

Council Member Paulitz asked how the VFD became wet.

City Manager Starr advised that there is about an eight-inch gap between the roofline and where the wall ends, allowing water from the sprinkler system to flow into the gap and onto the unprotected control unit.

Council Member Paulitz noted several residents have inquired about the Splash Pad's being out of commission.

- (b) He noted visitors to the Civic Center have been inquiring as to when the Civic Center parking lot improvements would be completed.

City Manager Starr expressed his understanding that the parking lot modifications would occur over a three-week period. He stated that the conduit installation and various infrastructure improvements, including new light posts and security cameras, would conclude this week followed by the asphalt overlay next week.

City Engineer Hudson advised that the contractor intends to begin grinding and paving next Monday and that the parking lot striping would be completed by the end of next week.

Mayor Eaton noted he has been apologizing to Civic Center visitors for the inconvenience of both north and south parking lots being out of use for so long.

City Manager Starr advised that it becomes an economy of scale as the contractor has been onsite working on all aspects of the parking lot improvements.

Mayor Eaton concurred that "sometimes you have to do what you have to do."

Council Member Paulitz asked if there is an estimate on the total number of public parking spaces in both the north and south parking lots.

City Engineer Hudson told Council Member Paulitz he

would let him know an exact count tomorrow.

With regard to the proposed **First United Methodist Church of Montclair** parking lot expansion, City Manager Starr advised that there has been a change in church leadership and installment of a new minister. He expressed his understanding that the church's attorney reviewed the City's proposed agreement a month ago and made some revisions. He stated he is unsure of **Senior Pastor Peter's** position on the City's proposal to encroach approximately thirty feet into the fenced-off playground/garden area, noting the prior minister was in agreement with the City's proposal. He stated that there would be approximately 56 more parking spaces should the project be completed.

Council Member Paulitz thanked City Manager Starr for his report.

2. Council Member/Director Ruh commented as follows:
 - (a) He noted tomorrow evening is the 27th **National Night Out**, a nationwide crime prevention campaign that highlights the importance of police-community partnerships in which thousands of neighborhoods and locations across the country will host social events to celebrate safety and community. He advised that Montclair's **National Night Out** would be held in the **Target** parking lot, 9052 Central Avenue, from 5:00 p.m. to 8:00 p.m. and encouraged everyone to participate.
 - (b) He advised that the new **California Low Cost Automobile Insurance Program** is for individuals who meet income-qualifying requirements—the cost is on a sliding scale based on family size. He stated that participation in the program requires that one have a good driving record, be at least 19 years of age, have been continuously licensed for the last three years, own a vehicle valued at less than \$20,000, and meet very specific income requirements. He noted San Bernardino County residents meeting these requirements would pay only \$274 per year to insure their vehicles, with eligibility for the program reestablished each year. He stated that he would leave literature about the program with staff for the Montclair Community Collaborative, adding that speakers are available to present the program to community organizations.
 - (c) He noted he was impressed with some free public services he found in **Seattle** while he was there for work

last week including **Wi-Fi™** access throughout the city, 200 computers available for resident use for 90-minute intervals at the **Seattle Public Library**, and downtown public transit. He remarked that although 85 percent of Seattle's population has a college degree, the City does not offer a college preparatory program similar to our *Online to College*.

- (d) He cited an article in the **Financial Times of London** on a survey of American wages entitled, "Median Wage Stagnation," that indicated the annual incomes of the bottom 90 percent of U.S. families have essentially been flat since 1973, having risen only 10 percent in real terms over 37 years. He clarified that the figures mean most Americans have been treading water for more than a generation; though over the same period of time, the incomes of the top 1 percent of Americans have tripled. He reported that in 1973, chief executives were on the average paid 26 times the median income; now the multiple is well above 300 times. He advised that it is not surprising that during the last economic bubble from 2002 to 2006, the top 1 percent of Americans, paid mainly from Wall Street subprime mortgage-backed securities, received two thirds of the gain in national income, while the bottom 90 percent, dependent as everybody else on Main Street on our shrinking economy, received less than 12 percent.

Council Member Ruh stated that we would all do well to remember the famous words of the leading American economist and advisor to **President Lincoln, Mr. Henry C. Carey**, who wrote in his book *HARMONY OF INTERESTS* the difference between the American system and British system of economics. He paraphrased a famous passage from the book that demonstrated the success of the American system and exposed the failure of the British free trade approach as follows:

There are two systems before the world. The American system has elevated the workers, supported the nation, and turned America into the world's largest economy only decades after its birth. The British system, known as the "Crumbling Economic System of Monarchs," was one that ground men down, destroyed their nations, and sought profit for few at the expense of everyone else.

Council Member Ruh suggested that we should all begin

to look at the way things are, especially in these difficult economic times, and really see what we can do in our own world to make some positive changes for everybody.

E. Committee Meeting Minutes

1. Minutes of Code Enforcement Committee Meeting of July 19, 2010

The City Council received and filed the Code Enforcement Committee meeting minutes of July 19, 2010, for informational purposes.

2. Minutes of Personnel Committee Meeting of July 19, 2010

The City Council received and filed the Personnel Committee meeting minutes of July 19, 2010, for informational purposes.

XII. ADJOURNMENT OF REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

At 7:29 p.m., Chairman Eaton adjourned the Redevelopment Agency and Montclair Housing Corporation Boards of Directors.

At 7:29 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(a) and conference with designated labor negotiator pursuant to Section 54957.6 of the Government Code.

XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:10 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation and labor negotiations, information was received and direction given to staff, and no further announcements would be made at this time.

XIV. ADJOURNMENT OF CITY COUNCIL

At 8:11 p.m., Mayor Eaton adjourned the City Council.

Submitted for City Council/Redevelopment Agency Board/Montclair Housing Corporation Board approval,

Yvonne L. Smith

Transcribing Secretary